

Appl. No. 09/513,489
Amdt. dated: DRAFT
Reply to Office Action of September 23, 2003

Docket No. CISCO-1818
(032590-000091)

REMARKS/ARGUMENTS

Regarding Claim Amendments

Claims 1-5, 9, 13, 21-29, and 45-63 are now pending. No claims stand allowed.

Claims 1, 21, 26, and 45 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The text of claims 3-4, 9, 22-24, 27-28, 46-48, 50, 57, and 62 is unchanged, but their meaning is changed because they depend from amended claims.

New claims 64-67 have been added by this amendment and also particularly point out and distinctly claim subject matter regarded as the invention.

No "new matter" has been added by the amendment.

The 35 U.S.C. §102 Rejection

The Examiner maintains his rejections to claims 1, 2, 5, 13, 21, 25-26, 45, 49, 51, 53-56, 58-61, and 63 under 35 U.S.C. 102(b) as being allegedly anticipated by Perkins (U.S. Pat. No. 5,159,592), among which claims 1, 21, 26, and 45 are independent claims. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."
Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

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Claim 1, as amended, defines a network access server (NAS) providing a user with access and connection to a global data communications internetwork, said NAS being capable of communicating with a home gateway server (HGS). The NAS comprises (a) an IP address requester for requesting an IP address from the HGS on behalf of the user without using a tunneling protocol, the HGS maintaining a pool of IP addresses for allocation to authorized users associated with the NAS, (b) an IP address relay for receiving an IP address allocated to the user from the HGS and for relaying the allocated IP address to the user, and (c) a memory coupled with said IP address requester and said IP address relay, said memory storing association between an identification of the user and the IP address allocated to the user, as recited in claim 1.

In the Final Office Action, citing column 5, lines 53-65 of Perkins, the Examiner specifically equates the local gateway 16 and the global gateway 18 of Perkins with the NAS and the HGS of the claimed invention, respectively. The Applicants respectfully disagree for the following reasons.

Perkins describes a communications area network 1 including LANs 2 and 3, each of which including a wireless network (mobile units 10, cells 11, and header stations 12) and a wired network (LAN) 14 (column 3, lines 58-63, FIG. 2 thereof). As shown in FIG. 2 thereof, Perkins' global gateway 18 (the alleged HGS) is a network gateway provided for the LANs 2 and 3, and communicates with a remote user dispersed over a wide geographic area (column 4, lines 25-27 of Perkins). The global gateway 18 also

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manages Internetwork sessions by the mobile units 10 of the LANs 2 and 3 (column 8, lines 46-49, FIG. 2 of Perkins). The local gateway 16 (the alleged NAS) of Perkins is provided for each LAN (and thus "local"). The mobile units 10 within the corresponding LAN is coupled through the wireless network, the wired network 14, and the local gateway 16, to the global gateway 18 (column 4, lines 23-25, column 10, lines 1-3 thereof). Thus, in Perkins, the local gateway 16 is a "gateway" of a respective LAN 2 or 3 and only provides connections between the mobile units 10 the global gateway 18.

Since in Perkins it is the global gateway 18, not the local gateway 16, that is capable of providing access and connection to the Internet, or outside global internetwork, if any, the local gateway 16 does not provide a user with access and connection to a global data communications internetwork, as claimed in claim 1.

Accordingly, although the local gateway 16 may receives IP addresses for the mobile units 10 from the global gateway 18, the local gateway 16 cannot be a NAS providing a user with access and connection to a global data communications internetwork, as recited in claim 1. On the other hand, if the global gateway 18 of Perkins should correspond to a NAS, then the global gateway 18 is lacking all of the claimed features of the NAS, as the Examiner also correctly associates the global gateway 18 with the HGS.

Therefore, Perkins fails to disclose or suggest the claimed NAS as recited in claim 1. Claims 21, 26, and 45 also include substantially the same distinctive feature as claim

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1. Accordingly, it is respectfully requested that the rejection of claims based on Perkins be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Dependent Claims

Claims 2-5, 9, 13, 51-52, and 63 depend from claim 1, claims 22-25 and 53-57 depend from claim 21, claims 27-29 depend from claim 26, and claims 46-49, and 58-62 depend from claim 45, and thus include the limitations of the corresponding independent claims. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Regarding the 35 U.S.C. §103 Rejections to Dependent Claims:

Claims 3, 9, 23, 28, 47, 57, and 62 also stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Perkins in view of Holt et al. (U.S. Pat. No. 6,070,192). Claims 4, 24, and 48 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of Holt, and further in view of Inuoe et al. (U.S. Pat. No. 6,442,616). In addition, claims 22, 27, 46, and 50 stand rejected under 35 U.S.C. 103(a) as being

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allegedly unpatentable over Perkins in view of Holt, and further in view of Reid et al.

(U.S. Pat. No. 6, 233, 616). These rejections are respectfully traversed

According to M.P.E.P. §2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

The rejected claims 3-4, 9, 22-24, 27-28, 46-48, 50, 57, and 62 all depend from one of the independent claims 1, 2, 26 and 45, as discussed, above. Since the primary reference Perkins fails to disclose or teach the NAS claimed in the independent claims, as discussed above, any alleged combination with or modification by additional references does not render the claimed invention recited in these claims obvious.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

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Request for Entry of Amendment

Entry of this Amendment will place the Application either in condition for allowance, or at least, in better form for appeal by narrowing any issues. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1698.

Respectfully submitted,
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DRAFT

Dated: February _____, 2004

Masako Ando
Limited Recognition under 37 CFR §10.9(b)

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